

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This document relates to:

JUDGE: JOAN N. ERICKSEN
MAG. JUDGE: FRANKLIN L. NOEL

Nickell, et al., v. 3M Company, et al.
Case Action No. 17-cv-04285

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

3M Company and Arizant Healthcare, Inc. (“Defendants” collectively) have moved this Court for an order dismissing plaintiff’s claims with prejudice for failure to comply with Pre-Trial Order (“PTO”) 14. Docs. 1317 and 1318.

The injured plaintiff, Vernon Nickell, is deceased. After his death, and in compliance with the Federal Rules of Civil Procedure and this Court’s orders, his widow, and named Plaintiff, Linda Nickell, notified this Court of his death. (ECF No. 8). Undersigned counsel has worked with Ms. Nickell to procure the necessary legal orders to allow her to pursue her husband’s claims. However, Ms. Nickell’s children have, to date, not completed the necessary legal documents to allow her to pursue those claims on behalf of the estate.

Counsel for Plaintiffs, respectfully requests that the Court grant a 120-day extension to the deadline to appropriately substitute parties and complete and file a

completed PFS, or in the event the claims of Vernon Nickell are dismissed that the claims of Linda Nickell for loss of consortium be preserved.

Dated: July 11, 2018

Respectfully submitted,

/s/ Amanda M. Williams

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